

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Rulemaking to Examine the  
Commission's Future Energy Efficiency Policies,  
Administration and Programs.

Rulemaking 01-08-028  
(Filed August 23, 2001)

**ADMINISTRATIVE LAW JUDGE'S SECOND RULING  
REGARDING CONTRACT TEMPLATE FOR 2002-03  
LOCAL ENERGY EFFICIENCY PROGRAMS**

Pursuant to the Commission's Decision 02-05-046, I finally approve a template contract for all Investor Owned Utilities (IOUs) to use in contracting with third parties awarded local energy efficiency funding for 2002-03 (Implementers).<sup>1</sup> I issued another ruling on June 24, 2002 attaching a near-final version of the contract, and giving parties a brief period to submit comments.<sup>2</sup> This time for comment was in addition to comments the Commission's Legal and Energy Divisions solicited on the contract and on a Pacific Gas and Electric Company submission containing particular contract terms.

As I stated in the June 24 ruling, the template is the product of give and take among the Commission, the IOUs and the third parties. As such, it may not be exactly in keeping with every party's wishes. However, I have taken steps to

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<sup>1</sup> I attach the template contract as Appendix A.

<sup>2</sup> To the extent this ruling is inconsistent with the June 24, 2002 ruling, this ruling shall govern. Otherwise, both rulings should be read together.

ensure the contract is fair and reasonable to all sides. I identified the key areas of disagreement in my June 24 ruling and do not repeat them here. I have not made major modifications to any contract term. However, I have made many small modifications (shown in redline format in Appendix A) that I believe accommodate many of the parties' additional concerns.

In unusual cases, the IOUs and Implementers may mutually agree to modify the template, with the approval of the Energy Division or the assigned Administrative Law Judge.

**IT IS ORDERED** that:

1. The contract between Investor Owned Utilities (IOUs) and third parties for 2002-03 local energy efficiency funding shall be that in Appendix A to this ruling.
2. All IOUs administering local energy efficiency programs and third parties receiving funding for such programs shall use the contract in Appendix A as a prerequisite to receiving Public Goods Charge funding for 2002-03.
3. In unusual cases, changes to the template may be allowed with the approval of the Energy Division or the assigned Administrative Law Judge.

Dated July 2, 2002, at San Francisco, California.

/s/ MICHELLE COOKE for  
Sarah R. Thomas  
Administrative Law Judge

## CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Second Ruling Regarding Contract Template For 2002-03 Local Energy Efficiency Programs on all parties of record in this proceeding or their attorneys of record.

Dated July 2, 2002, at San Francisco, California.

/s/ KRIS KELLER

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Kris Keller

## N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

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